

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. 3:17-CR-00070-LRH-WGC

Plaintiff,

V.

ISRAEL ALVAREZ-SUAREZ,

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Defendant.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. This Court held a Status Hearing on August 9, 2018. Present for the hearing were Assistant United States Attorney Sue Fahami, counsel for the United States, and appearing by telephone, Assistant Federal Public Defender Sylvia Irvin, counsel for Defendant Israel Alvarez-Suarez.

2. On January 4, 2018, this Court ordered Mr. Alvarez-Suarez be transferred to a suitable Bureau of Prisons facility to determine his mental competency to stand trial pursuant to 18 U.S.C. § 4241(d). ECF No. 28. Following the BOP evaluation, this Court ordered the BOP issue a report. *See id.*

3. This Court and counsel have reviewed the BOP's Forensic Report dated June 15, 2018. The BOP Forensic Report states that Mr. Alvarez-Suarez suffers from a mental disease or defect and is incompetent to stand trial. As discussed at the August 9, 2018 status hearing, counsel agree that Mr. Alvarez-Suarez is incompetent and that the requirements of 18 U.S.C. § 4246 are triggered.

4. This Court agrees and finds that Mr. Alvarez-Suarez is incompetent to stand trial.

5. Consequently, pursuant to 18 U.S.C. § 4246(a), this Court finds that the BOP shall now determine whether Mr. Alvarez-Suarez is currently suffering from a mental disease or defect

for which his release would create a substantial risk of bodily injury to another person or serious damage to property. Following that evaluation, the BOP must then submit to this Court a certificate addressing Mr. Alvarez-Suarez's dangerousness. *See* 18 U.S.C. § 4246(a), (d). Upon receipt and review of the BOP's determination as to Mr. Alvarez-Suarez's dangerousness, this Court will set a hearing as required by 18 U.S.C. § 4246(c), (d), § 4247(d).

ORDER

IT IS ORDERED, that based on the June 15, 2018 BOP Forensic Report regarding defendant Israel Alvarez-Suarez's mental incompetency, and counsels' agreement that Israel Alvarez-Suarez is incompetent, the Court hereby orders Mr. Alvarez-Suarez to remain in the custody of the Bureau of Prisons for the purpose of evaluating whether he is suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to the property.

IT IS FURTHER ORDERED, that after completion of the evaluation, the Bureau of Prisons shall submit to this Court a certificate conveying its determinations as to dangerousness. This Court requests the Bureau of Prisons conduct this evaluation as soon as is practicable.

IT IS FURTHER ORDERED that a copy of this Order be submitted to the Bureau of Prisons.

IT IS SO ORDERED.

Dated this 13th day of August, 2018.


HONORABLE LARRY R. HICKS
UNITED STATES DISTRICT JUDGE